

General Assembly

Bill No. 6697

January Session, 2001

LCO No. 3726

Referred to Committee on Government Administration and Elections

Introduced by:

REP. WARD, 86th Dist. SEN. DELUCA, 32nd Dist.

AN ACT CONCERNING DIRECT PRIMARIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) Petition forms for candidacies for nomination to 2 state office, as defined in section 9-372 of the general statutes, or the 3 district office of representative in Congress shall be available from the 4 Secretary of the State beginning the first business day in March in 5 even-numbered years. Petition forms for candidacies for nomination to 6 the district offices of judge of probate, state senator or state 7 representative shall be available from the Secretary of the State 8 beginning on the day following the close of the applicable district 9 convention. Any person who requests a petition form shall give the 10 person's name and address and the name, address and office sought of 11 each candidate for whom the petition is being obtained and shall file a 12 statement signed by each such candidate that such candidate consents 13 to be a candidate for such office. Each such candidate shall include on 14 the statement of consent the candidate's name as the candidate 15 authorizes it to appear on the ballot. Upon receiving such information

and statement, the Secretary shall type or print on a petition form the name and address of each such candidate, the office sought and the political party holding the primary. The Secretary shall give to any person requesting such form one or more petition pages, suitable for duplication, as the Secretary deems necessary. If the person is requesting the form on behalf of an indigent candidate or a group of indigent candidates listed on the same petition, the Secretary shall give the person the number of original pages that the person requests or the number which the Secretary deems sufficient. An original petition page filled in by the Secretary may be duplicated by or on behalf of the candidate or candidates listed on the page and signatures may be obtained on such duplicates. The duplicates may be filed in the same manner and shall be subject to the same requirements as original petition pages. All information relative to primary petitions shall be a public record.

Sec. 2. (NEW) (a) The petition form for candidacies for nomination to state or district office shall be prescribed and provided by the Secretary of the State, and signatures shall be obtained only on such form or on duplicate petition pages produced in accordance with the provisions of section 1 of this act. The form shall include a statement of instructions to persons using the form and shall indicate the date and time by which it shall be filed and the person with whom it shall be filed. The form shall provide spaces for the names and addresses of the candidates, the offices to which nomination is sought and the political party holding the primary, and shall provide lines for the signatures, street addresses and dates of birth of enrolled party members supporting the person or persons on behalf of whose candidacy the petition is used.

(b) Only as many candidates may be proposed in any one primary petition for the same office as are to be nominated by such party for such office, but any one primary petition may propose as many candidates for different offices as there are nominations to be made.

- (c) The names of enrolled party members signing a primary petition need not all be on one page, but may be on several pages, provided no person shall sign more than one petition page for the same candidate or candidates. Each such page shall indicate the candidate or candidates supported, the offices sought and the political party for which nomination is being sought. No page of such a petition shall contain the names of enrolled party members residing in different municipalities and any petition page which has been certified by the registrars of two or more municipalities shall be rejected by the Secretary. Withdrawal of petition signatures shall not be permitted.
- (d) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote in the primary for which such petition is being filed. Each petition page shall contain a statement signed by the registrar of the municipality in which the circulator is an enrolled party member attesting that the circulator is an enrolled party member in the municipality and is entitled to vote in the primary for which the petition is being filed. Unless such a statement by the registrar appears on each page so submitted, the Secretary shall reject the page. Each separate page of the petition shall contain a statement as to the authenticity of the signatures on the page and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the page, setting forth the circulator's address and the town in which the circulator is an enrolled party member and attesting that each person whose name appears on the page signed the petition in person in the presence of the circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself or herself to the circulator and that the spaces for candidates supported, offices sought and the political party involved were filled in prior to the obtaining of the signatures. Each separate page of the petition shall also be acknowledged before an appropriate person as provided in section 1-29 of the general statutes. The Secretary shall reject any page of a petition filed with the Secretary which does not contain such a statement by the circulator as to the authenticity of the

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signatures on the page, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification required under this section by the registrar of the town in which the circulator is an enrolled party member. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of the petition, provided the individual's service as circulator does not violate any provision of this section.

Sec. 3. (NEW) (a) Upon the receipt of any page of a petition proposing a candidacy for a state or district office, the registrar shall forthwith sign and give to the person submitting the petition a receipt, in duplicate, stating the number of pages filed and the date and time of filing. The person or the candidate shall forthwith send one copy of the receipt to the Secretary of the State. The registrar shall indicate on each such petition page the date and time of filing, shall forthwith certify on each such page the number of signers of the page who were enrolled on the last-completed enrollment list of such party in the municipality or political subdivision, as the case may be, and shall forthwith file such certified page in person or by mail, as described in section 9-140b of the general statutes, with the Secretary within seven days after receipt of the page. In checking the signatures on primary petition pages, the registrar shall reject any name which does not appear on the last-completed enrollment list of such party in the municipality or political subdivision, as the case may be. Such rejection shall be indicated by placing an "R" before the name rejected. The registrar may place a check mark before each name appearing on the enrollment list to indicate approval but shall pace no other mark on the page except as provided in this act and in chapter 153 of the general statutes. The registrar shall not reject any name for which the street address on the petition is different from the street address on the enrollment list, if (1) such person is eligible to vote for the candidate or candidates named in the petition, and (2) the person's date of birth, as shown on the petition page, is the same as the date of birth on the person's registration record.

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- (b) Upon the filing of all pages of a petition, the Secretary shall reject any page of the petition which does not contain the certifications required in section 2 of this act or which the Secretary determines to have been circulated in violation of any provision of said section 2, and shall cause the number of certified signatures to be tabulated. Petitions filed with the Secretary shall be preserved for a period of three years and then may be destroyed.
- Sec. 4. Section 9-383 of the general statutes is repealed and the following is substituted in lieu thereof:
- 124 The time and place of meeting of a state or district convention shall 125 be fixed by the state central committee or other authority of the party 126 holding such convention, in accordance with the rules of such party; 127 provided each such convention held to endorse candidates for state or 128 district office to be voted upon at a state election shall be convened not 129 earlier than the [sixty-eighth] ninety-sixth day and closed not later 130 than the [fiftieth] seventy-eighth day preceding the day of the primary 131 for such office.
- Sec. 5. Section 9-400 of the general statutes is repealed and the following is substituted in lieu thereof:
- 134 (a) [Within fourteen days following the close of the state convention, 135 a] \underline{A} candidacy for nomination by a political party to a state office may 136 be filed by or on behalf of any person whose name appears upon the 137 last-completed enrollment list of such party in any municipality within 138 the state and who has either (1) received at least fifteen per cent of the 139 votes of the convention delegates present and voting on any roll-call 140 vote taken on the endorsement or proposed endorsement of a 141 candidate for such state office, whether or not the party-endorsed candidate for such office received a unanimous vote on the last ballot, 142 143 or (2) circulated a petition and obtained the signatures of at least two 144 per cent of the enrolled members of such party in the state, including 145 at least one per cent of the enrolled members of such party from each 146 congressional district, in accordance with the provisions of sections 1

to 3, inclusive, of this act. Candidacies described in subdivision (1) of this subsection shall be filed by [the] filing with the Secretary of the State [, of] not later than four o'clock p.m. on the fourteenth day following the close of the state convention, a certificate, signed by such candidate and attested by either [(1)] (A) the chairman or presiding officer, or [(2)] (B) the secretary of the convention, that such candidate received at least fifteen per cent of such votes, and that [he] such candidate consents to be a candidate in a primary of such party for such state office. Such certificate shall specify the candidate's name as [he] the candidate authorizes it to appear on the ballot, [his] the candidate's full residence address and the title of the office for which [his] the candidacy is being filed. A single such certificate for state office may be filed on behalf of two or more candidates for different state offices who consent to have their names appear on a single row of the primary ballot label under subsection (b) of section 9-437, as amended by this act. Candidacies described in subdivision (2) of this subsection shall be filed by submitting said petition not later than four o'clock p.m. on the fourteenth day following the close of the state convention to the registrar of voters of the towns in which the respective petition pages were circulated. Each registrar shall file each page of such petition with the secretary in accordance with the provisions of section 3 of this act. Except as provided in section 9-416a, upon the expiration of the fourteen-day period, if one or more candidacies for such state office have been filed pursuant to the provisions of this section, the Secretary of the State shall notify all town clerks in accordance with the provisions of section 9-433, that a primary for such state office shall be held in each municipality in accordance with the provisions of section 9-415, as amended by this act.

(b) [Within fourteen days following the close of the district convention, a] \underline{A} candidacy for nomination by a political party to a district office may be filed by or on behalf of any person whose name appears upon the last-completed enrollment list of such party within any municipality or part of a municipality forming a component part

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of such district and who has either (1) received at least fifteen per cent of the votes of the convention delegates present and voting on any rollcall vote taken on the endorsement or proposed endorsement of a candidate for such district office, whether or not the party-endorsed candidate for such office received a unanimous vote on the last ballot. or (2) circulated a petition and obtained the signatures of at least two per cent of the enrolled members of such party in the district for the district office of representative in congress, and at least five per cent of the enrolled members of such party in the district for the district offices of state senator, state representative and judge of probate, in accordance with the provisions of sections 1 to 3, inclusive, of this act. Candidacies described in subdivision (1) of this subsection shall be filed by [the] filing with the Secretary of the State [of] not later than four o'clock p.m. on the fourteenth day following the close of the district convention, a certificate, signed by such candidate and attested by either [(1)] (A) the chairman or presiding officer, or [(2)] (B) the secretary of the convention, that such candidate received at least fifteen per cent of such votes, and that he consents to be a candidate in a primary of such party for such district office. Such certificate shall specify the candidate's name as [he] the candidate authorizes it to appear on the ballot, [his] the candidate's full residence address and the title and district of the office for which [his] the candidacy is being filed. Candidacies described in subdivision (2) of this subsection shall be filed by submitting said petition not later than four o'clock p.m. on the fourteenth day following the close of the district convention to the registrar of voters of the towns in which the respective petition pages were circulated. Each registrar shall file each page of such petition with the secretary in accordance with the provisions of section 3 of this act. Except as provided in section 9-416a, upon the expiration of the fourteen-day period, if one or more candidacies for such district office have been filed pursuant to the provisions of this section, the Secretary of the State shall notify all town clerks within the district, in accordance with the provisions of section 9-433, that a primary for such district office shall be held in [any] each municipality [or] and

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- each part of [any] <u>a</u> municipality within the district in accordance with the provisions of section 9-415, as amended by this act.
- 217 (c) For the purposes of this section, the number of enrolled members 218 of a party shall be determined by the latest enrollment records in the 219 office of the Secretary of the State prior to the earliest date that primary
- 220 petitions were available.
- 221 (d) On the last day for filing primary petition candidacies in 222 accordance with the provisions of this section, the office or office 223 facilities of the registrars of voters shall open not later than one o'clock 224 p.m., and remain open until at least four o'clock p.m., and such 225 registrars or the deputy or assistant registrars shall be present.
- Sec. 6. Section 9-405 of the general statutes is repealed and the following is substituted in lieu thereof:
- 228 (a) (1) Candidacies of persons other than party-endorsed candidates 229 for nomination by a political party to [any] a municipal office to be 230 voted upon at a municipal election, or for election as town committee 231 members or delegates to conventions shall be filed with the registrar, 232 as provided in section 9-406, as amended by this act, not later than four 233 o'clock p.m. on the thirty-fourth day preceding the day of the primary 234 of such party for the nomination of candidates for such office or for the 235 election of town committee members or delegates to conventions, 236 which day and hour shall be specified on the petition forms. (2) 237 Candidacies of persons, other than party-endorsed candidates, for 238 nomination by a political party to a municipal office to be voted upon 239 at a state election shall be filed with the registrar, as provided in 240 section 9-406, as amended by this act, not later than four o'clock p.m. on the fourteenth day following the making of the party's endorsement 241 242 of a candidate for such office. Said day and hour shall be specified on the petition forms. 243
- 244 <u>(b)</u> On [such] <u>the</u> last day for filing [such] primary petition 245 candidacies in accordance with the provisions of this section, the office

- or office facilities of the registrars of voters shall open not later than one o'clock p.m., and remain open until at least four o'clock p.m., and such registrars or their deputy or assistant registrars shall be present therein.
- Sec. 7. Section 9-406 of the general statutes is repealed and the following is substituted in lieu thereof:
- 252 [Within the time specified in section 9-405, a] \underline{A} candidacy for 253 nomination by a political party to a municipal office or a candidacy for 254 election as a member of a town committee may be filed by or on behalf 255 of any person whose name appears upon the last-completed 256 enrollment list of such party within the municipality or within the 257 political subdivision, [or] senatorial district or assembly district within 258 which a person is to be nominated or a town committee member is to 259 be elected, as the case may be. [,] Any such candidacy shall be filed by 260 filing with the registrar within the applicable time specified in section 261 9-405, as amended by this act, a petition signed by (1) at least five per 262 cent of the electors whose names appear upon the last-completed 263 enrollment list of such party in such municipality or in such political 264 subdivision, [or] senatorial district or assembly district, or [, signed by] 265 (2) such lesser number of such electors as such party by its rules 266 prescribes, as the case may be. For the purpose of computing five per cent of the last-completed enrollment list, the registrar shall use the last 267 268 printed enrollment list and the printed supplementary or updated list, 269 if any, of a political party certified and last completed by the registrars 270 of voters prior to the date the first primary petition was issued, 271 excluding therefrom the names of individuals who have ceased to be 272 electors.
- Sec. 8. Section 9-412 of the general statutes is repealed and the following is substituted in lieu thereof:
- Upon the [filing] <u>receipt</u> of any <u>page of a petition proposing a</u> candidacy for a municipal office or for member of a town committee or delegates or district delegates to a convention, the registrar shall

forthwith sign and give to the person [so] submitting [a page or pages of such] the petition a receipt, [indicating] in duplicate, stating the number of [such] pages [so submitted] filed and the date and time [when such pages were submitted] of filing and shall forthwith certify on each such [sheet] page the number of signers [thereon] of the page who were enrolled on the last-completed enrollment list of such party [and] in the municipality or political subdivision, as the case may be, and shall forthwith file such [sheet, so] certified page, with the clerk of the municipality, together with [his] the registrar's certificate as to the whole number of names on the last-completed enrollment list of such party in such municipality or political subdivision, as the case may be. In [the] checking [of] signatures on primary petition pages, the registrar shall reject any name if such name does not appear on the last-completed enrollment list in the municipality or political subdivision, as the case may be. Such rejection shall be indicated by [the] placing [of] an "R" before the name [so] rejected. The registrar may place a check mark before each name appearing on [such] the enrollment list to indicate approval but shall place no other mark on [such] the page except as provided in this chapter. The registrar shall not reject any name for which the street address on the petition is different from the street address on the enrollment list, if (1) such person is eligible to vote for the candidate or candidates named in the petition and (2) the person's date of birth, as shown on the petition page, is the same as the date of birth on the person's registration record. The registrar shall reject any page of a petition which does not contain the certifications provided in section 9-410, or which [is determined by said the registrar determines to have been circulated in violation of any other provision [thereof] of section 9-410. Petitions filed with the municipal clerk shall be preserved for a period of three years and then may be destroyed.

Sec. 9. Section 9-415 of the general statutes is repealed and the following is substituted in lieu thereof:

310 [If within the time specified in sections 9-400 and 9-405 a candidacy

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for nomination by a political party to a state, district or municipal office is filed by or on behalf of any person other than a partyendorsed candidate in conformity with the provisions of sections 9-400 to 9-414, inclusive, or if within such time candidacies numbering at least twenty-five per cent of the number of town committee members to be elected by a party either in the municipality or in the political subdivision, as the case may be, are filed by or on behalf of persons other than party-endorsed candidates in conformity with the provisions of sections 9-382 to 9-450, inclusive, or if within such time candidacies for election as delegates to a convention of a political party are filed by or on behalf of a slate of persons other than party-endorsed candidates in conformity with the provisions of said sections, a primary shall be held in each municipality of the state or district, or in the municipality or political subdivision thereof or senatorial district or assembly district or in each part of a municipality which is a component part of a senatorial or assembly district composed of parts of two towns or of a town or towns and a part or parts of another town or towns therein in which the nomination for municipal office is to be made or in which members of a town committee or delegates to a convention are to be elected, or in each municipality in the district in which district delegates to a convention are to be elected, as the case may be, to determine the nominee of such party for such office or to elect the members of the town committee or the delegates to the convention, except as provided in sections 9-416a, 9-418, 9-419 and 9-420.]

(a) If a candidacy for nomination by a political party to a state office is filed by or on behalf of any person other than a party-endorsed candidate within the time specified in subsection (a) of section 9-400, as amended by this act, and in conformity with the provisions of section 9-400, as amended by this act, a primary shall be held in each municipality of the state to determine the nominee of such party for such office, except as provided in section 9-416a.

(b) If a candidacy for nomination by a political party to a district

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- office is filed by or on behalf of any person other than a partyendorsed candidate within the time specified in subsection (b) of section 9-400, as amended by this act, and in conformity with the provisions of section 9-400, as amended, a primary shall be held in each municipality of the district, to determine the nominee of such party for such office, except as provided in section 9-416a.
- 350 (c) If a candidacy for nomination by a political party to a municipal 351 office is filed by or on behalf of any person other than a party-352 endorsed candidate within the applicable time specified in section 9-353 405, as amended by this act, and in conformity with the provisions of sections 9-405, 9-406, 9-406a, 9-409, 9-410 and 9-412, as amended by 354 355 this act, and 9-414, a primary shall be held in the municipality or 356 political subdivision thereof in which the nomination for municipal 357 office is to be made, to determine the nominee of such party for such 358 office, except as provided in section 9-418.
- 359 (d) If candidacies numbering at least twenty-five per cent of the number of town committee members to be elected by a party either in 360 361 the municipality or in the political subdivision, as the case may be, are 362 filed by or on behalf of persons other than party-endorsed candidates 363 within the time specified in subdivision (1) of subsection (a) of section 364 9-405, as amended by this act, and in conformity with the provisions of sections 9-405, 9-406, 9-406a, 9-409 to 9-412, inclusive, as amended by 365 this act, and 9-414, a primary shall be held in the municipality or 366 367 political subdivision thereof in which members of a town committee 368 are to be elected, to elect the members of the town committee, except as 369 provided in sections 9-419 and 9-421.
- Sec. 10. Section 9-416 of the general statutes is repealed and the following is substituted in lieu thereof:
- If [at a state or district convention no person other than a partyendorsed candidate has received at least fifteen per cent of the votes of the delegates present and voting on any roll-call vote taken on the endorsement or proposed endorsement of a candidate for a state or

376 district office, or if] within the time specified in section 9-400, as 377 amended by this act, no candidacy for nomination by a political party 378 to [such] a state or district office has been filed by or on behalf of a 379 person other than a party-endorsed candidate in conformity with the 380 provisions of [sections 9-400 to 9-414, inclusive] section 9-400, as 381 amended, no primary shall be held by such party for such office and 382 the party-endorsed candidate for such office shall be deemed to have 383 been lawfully chosen as the nominee of such party for such office.

Sec. 11. Section 9-433 of the general statutes is repealed and the following is substituted in lieu thereof:

[Upon the expiration of the fourteen-day period prescribed by section 9-400, and] After the deadline set forth in section 9-400, as amended by this act, for filing candidacies, and upon the completion of the tabulation of petition signatures, if any, if one or more candidacies for nomination by a political party to a state or district office have been filed in accordance with the provisions of [said] section 9-400, as amended by this act, the Secretary of the State shall notify the clerk of each town within the state or within the district, as the case may be, that a primary is to be held by such party for the nomination of such party to such office. Such notice shall include a list of all the proposed candidates, those endorsed by the convention as well as those filing candidacies, together with their addresses and the titles of the office for which they are candidates and, if applicable, a statement that unaffiliated electors may vote in the primary. The clerk of each such town shall thereupon cause such notice to be published forthwith in a newspaper having a general circulation in such town, together with a statement of the date upon which the primary is to be held, the hours during which the polls shall be open and the location of the polls.

- Sec. 12. Subsections (a) and (b) of section 9-437 of the general statutes are repealed and the following is substituted in lieu thereof:
- 406 (a) At the top of each ballot label shall be printed the name of the 407 party holding the primary, and each ballot label shall contain the

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names of all candidates to be voted upon at such primary, except the names of delegates to conventions. The vertical columns shall be headed by the designation of the office or position and instructions as to the number for which an elector may vote for such office or position, in the same manner as a ballot label used in a regular election. The name of each candidate for town committee or municipal office, except for the municipal offices of state senator and state representative, shall appear on the ballot label as it appears on the registry list of such candidate's town of voting residence, except as provided in section 9-42a. The name of each candidate for state or district office or for the municipal offices of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, [subsection (b) of section] 9-391, [or section] 9-400, [or] as amended by this act, 9-409, or section 1 of this act. On the first horizontal line, below the designation of the office or position in each column, shall be placed the name of the party-endorsed candidate for such office or position, such name to be marked with an asterisk; provided, where more than one person may be voted for for any office or position, the names of the party-endorsed candidates shall be arranged in alphabetical order from left to right under the appropriate office or position designation and shall continue, if necessary, from left to right on the next lower line or lines. In the case of no party endorsement there shall be inserted the designation "no party endorsement" at the head of the vertical column, immediately beneath the designation of the office or position. On the horizontal lines below the line for party-endorsed candidates shall be placed, in the appropriate columns, the names of all other candidates as hereinafter provided.

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(b) (1) In the case of two or more such candidates for the same state or district office, precedence as to row shall be determined by the alphabetical order of the surnames of such candidates, except as provided under subdivision (2) of this subsection. (2) If a single certificate or a single petition has been filed under subsection (a) of section 9-400, as amended by this act, on behalf of two or more

442 candidates and proposing one candidate for each state office to be 443 contested at such primary, a single row shall be used for the names of 444 such candidates and precedence as to row between such certificates 445 and petitions shall be determined by the Secretary of the State by lot in 446 a ceremony which shall be open to the public. The names of all other 447 candidates for state office shall be placed in the appropriate columns in 448 alphabetical order on the rows below the row or rows used for 449 candidates whose names are contained in such a single certificate, [or] 450 certificates, single petition or petitions.

- Sec. 13. Subsection (a) of section 9-453i of the general statutes is repealed and the following is substituted in lieu thereof:
- (a) Each page of a nominating petition proposing a candidate for an office to be filled at a regular election shall be submitted to the appropriate town clerk or to the Secretary of the State not later than four o'clock p.m. on the [final day for the filing of primary petitions for municipal offices to be filled at such election pursuant to section 9-405] ninetieth day preceding the day of the regular election.
- Sec. 14. This act shall take effect January 1, 2002, and shall apply to primaries and elections held on or after January 1, 2002.

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]